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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Examiner: Ram R. Shukla
Group Art Unit: 1632
Applicant: Keisuke Kuida, et al.
Serial No.: 09/888,182
Filing Date: June 22, 2001
For: ERK-5 DEFICIENT ANIMALS AND METHODS OF
INHIBITING ANGIOGENESIS THROUGH THE
INHIBITION OF ERK-5

Cambridge, Massachusetts
May 8, 2003

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22312-1450

RESPONSE TO RESTRICTION REQUIREMENT AND PRELIMINARY AMENDMENT

Dear Examiner Shukla:

This is in response to the Restriction Requirement dated April 17, 2003 relating to the above-identified application.

INTRODUCTORY MATTER

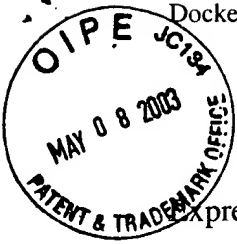
The Examiner has restricted originally filed claims 1-21 of the above-identified application into the following 6 groups:

- Group I. Claims 1-12, drawn to a transgenic non-human mammal whose genome is heterozygous for a mutant ERK-5 gene and cells thereof;
- Group II. Claims 13-15, drawn to a method or treating angiogenesis by administering an antibody to ERK-5 protein;
- Group III. Claims 13-15, drawn to a method or treating angiogenesis by administering an oligonucleotide that prevents expression of ERK-5 protein;

- Group IV. Claims 13-15, drawn to a method or treating angiogenesis by administering a small molecule inhibitor of ERK-5 protein;
- Group V. Claims 16-19, drawn to a method or treating angiogenesis by administering a chemical entity that increases expression of ERK-5 protein; and
- Group VI. Claims 20-21, drawn to a method or treating angiogenesis by administering a combination of compounds.

Applicants elect the invention of Group I (claims 1-12), without traverse, for further prosecution in this application. In light of this election, applicants cancel claims 13-21 relating to non-elected subject matter. The cancellation of these claims is without prejudice to Applicants' ability to file and obtain patent protection for claims directed to this cancelled subject matter in applications claiming priority to the present application under 35 U.S.C. § 120.

For further prosecution of elected Group I, please amend the application as follows:



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Date of Deposit: May 8, 2003

I hereby certify that the following documents:

1. Response to Restriction Requirement and Preliminary Amendment; and
2. this return postcard receipt.

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Karen DiRocco

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